

STATEMENT OF THE HONORABLE FEDERICO PEÑA
SECRETARY OF TRANSPORTATION
before the
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
concerning
OVERSIGHT OF AVIATION SAFETY
July 17, 1996

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to appear before the Committee today. Let me begin by thanking you, Mr. Chairman, for your flexibility in rescheduling this hearing so that I could attend. As you know, on the date the hearing was originally scheduled, I was in Montreal leading the United States delegation to ICAO as it deliberated a resolution concerning the Cuban shootdown of private U.S. aircraft last February. I am pleased to report that ICAO adopted a resolution deploring the Cuban action and condemning the use of force against civil aviation.

With me today is FAA Administrator David Hinson. I recruited Mr. Hinson to serve as the Administrator, and his extensive career--naval aviator, engineering pilot, and aerospace executive--has given him a set of aviation credentials that reflect an unusually varied professional resume. We have worked hard to reform the FAA and have taken aggressive actions to ensure that the nation's superior air safety record continues as we face the challenges of the 21st century.

Transportation safety is my highest priority. So is it the Administrator's. It has been so throughout our tenures. I know every member of this committee shares that priority. I remember my confirmation hearing before this Committee in January 1993. Each of you made it clear that you wanted the Department and its leadership to put safety first and to do everything possible to maintain and improve the enviable safety record we enjoy in the United States. We have worked hard to live up to that commitment. And we have done it with this Committee's help.

Mr. Chairman, your leadership on aviation safety is to be commended. In particular, I want to recognize your work, as well as others on this Committee, in pushing for increased safety standards for "public use aircraft." President Clinton was pleased to sign that important legislation into law in October 1994. Senators Hollings, Ford, McCain, and you have been leaders in all areas of air safety for many years.

Over the past three years, we have had an aggressive and wide ranging strategy to advance aviation safety and reform the FAA. The professional, committed career employees of the FAA have been vital partners in this

major effort. They have understood the need for change, and have been part of our effort to achieve it.

Essentially, you can divide our safety initiatives into four areas:

- (1) Strong new safety rulemakings.
- (2) Significant increases in funding for safety related activities.
- (3) Aggressive actions to control and refocus major contracts that were in disastrous shape when I took office.
- (4) Major legislative and administrative reform of acquisition and personnel practices.

Let me start with the first area--rulemaking.

We took the decisive step to ensure that the millions of Americans flying on smaller, commuter aircraft would have the same level of safety as on larger commercial airlines. This "one level of safety" initiative began an intensive effort, in which an FAA/DOT team produced a notice of proposed rulemaking for this complex set of rules in 100 days, much more quickly than any major NPRM had been developed in the past. The rules cover a broad variety of commuter airline functions, such as pilot training, dispatching capabilities, and emergency management. We also set ourselves an aggressive goal--just one year after issuance of the NPRM--for issuance of the final rule. On December 14, 1995, we met that goal and released the final commuter safety rule on schedule.

For the first time ever in the United States, there are now requirements for flight attendant duty period limits and amounts of rest. These new regulations set maximum flight and duty times and minimum rest periods for flight attendants, and are designed to reduce the possibility of dangerous levels of fatigue based on duty period limitations.

In just the last 18 months, we have acted on numerous other subjects: a final rule to increase use of flight simulators; final action on the "public aircraft" changes that your legislation mandated; an NTSB-recommended notice on flight-time limitations incorporating the latest NASA research on methods of combating fatigue; announcement of final decisions on the "age 60 rule;" final action on an NTSB-recommended change in air carrier and commercial operator training programs; a final rule on use of certain child restraint systems aboard aircraft; a proposal to upgrade pilot, flight instructor, and related training and certification requirements; a final rule on crash-resistant fuel systems; harmonization with European standards for small aircraft airworthiness; an NTSB-recommended proposal for additional flight data

recorder parameters to aid accident and incident investigations; and airworthiness standards for higher altitude operations.

As noted, some of these regulations have been in response to NTSB recommendations. The NTSB has issued more than 3,300 safety recommendations to the FAA since 1967. While the overall acceptance rate of NTSB recommendations by the FAA over time has been 84 percent, the acceptance rate over the past three years has been 90 percent. I'm proud of our record in responding to the NTSB.

We have seriously evaluated the NTSB's recommendations because we value input on how to improve the safety operations of the FAA and the entire system. We solicit employee recommendations. We've supported whistle blower legislation to ensure that airline employees feel free to express safety concerns.

In January 1995 Administrator Hinson and I called together over 1,000 aviation executives for a Safety Summit, at which the participants had frank and substantive discussions about what could be done to improve aviation safety. The summit resulted in an industry/labor/government commitment to improve safety and an Aviation Safety Action Plan detailing 173 initiatives which have now been incorporated into the FAA strategic plan. To date, 117 of those specific objectives have been implemented by the FAA. In December 1995, participants from the January session reconvened to build upon these initiatives.

One of the changes that came from the Safety Summit, in February 1995, was the airlines voluntarily establishing internal safety evaluation programs and naming top-level safety officials. At that time, 46 airlines had safety evaluation programs in existence. The number has more than doubled to 95 out of a total of 138 airlines. The Administrator also created a new top-level safety office, headed by a former NTSB member and reporting directly to him, to ensure that the best possible data about aviation safety is properly incorporated in all the decisions made by the agency.

The second area of the overall safety initiative I outlined is the budget. I know members of this committee are all painfully aware of the serious budget constraints facing the Department and the entire federal government. However, in spite of that, since I became Secretary, with the help of this Committee and others in Congress, funding for FAA's critical safety operations has increased by more than one-half a billion dollars. We have already hired close to 200 more inspectors and, this year, the President's budget proposes 258 additional aviation safety inspectors and certification safety personnel, 134 field maintenance technicians, and a net increase of 250 air traffic controllers. These increases will allow the FAA to handle the

growth in aviation activity and to make new air traffic control equipment fully operational.

The third area where we have made major progress is in getting control of critical programs that were in terrible shape when we took office. I am proud of what we have done to rein in the sprawling "Advanced Automation System." One of the first things I did when I became Secretary was to order an intensive review and analysis of the program and initiate a major overhaul. Administrator Hinson, Deputy Administrator Linda Daschle and I took a neglected modernization program that was billions of dollars over budget and years behind schedule when we inherited it, and turned it around. A new management team was brought in, and the program was entirely restructured. It is now back on track, and will deliver important safety improvements that will carry aviation into the next century. And, importantly, taxpayers saved \$1.6 billion. In addition, the agency is providing critical short-term relief to the air traffic control system with the installation of new computer systems to replace aging systems in five key air traffic control centers. Initial delivery of the systems is almost one year ahead of schedule.

We are pursuing many other technology infrastructure improvements, including advanced weather radar at major airports to help pilots avoid the deadly effects of windshear and other hazardous weather conditions, and airport surface detection to eliminate the danger of ground collisions at the nation's busiest airports. We are also vigorously pursuing the development of satellite technology for civil aviation use to provide precision guidance at airports even in bad weather. Coupled with data link, satellite technology also has enormous potential for system safety and efficiency, as we are already beginning to demonstrate in oceanic operations in the Pacific.

Our success in speeding up these critical safety acquisitions is directly related to the fourth area of our overall initiative -- reform of acquisition and personnel systems.

As you know, this Administration has aggressively worked with Congress and the aviation community to address acquisitions, personnel, and financing issues that have hindered FAA's ability to provide the best air traffic control system of which we are capable. In 1995, Congress granted the FAA the authority to develop innovative procurement and personnel systems and, in April 1996, we implemented a new personnel and acquisition system on schedule. Key among the many benefits of this reform is the FAA's new ability to hire safety personnel more easily and to shift them to positions where they can have maximum impact. We have also worked on streamlining rulemaking to increase the effectiveness of our programs.

Mr. Chairman, the FAA reauthorization legislation this committee reported June 13 is an important step on our path to reform. We have worked with you on it and will continue to work with you to ensure it becomes law. I would like to take a moment to address one of the provisions of the bill -- a provision advocated by Senators Wyden and Ford to address FAA's so-called "dual-mandate." I strongly support this effort and want to work with this Committee on some additional language to further clarify FAA's safety mission.

As you know, in 1958 Congress charged the FAA with the mission to promote safety and to promote air commerce. But since then, this dual mandate has caused some to believe that the FAA had to make choices between safety and promoting the industry it regulates. While both the Administrator and I believe strongly that safety was and is the FAA's top priority, we must remove once and for all any question about that. If any member of the flying public or any employee of the Department has any question about what the FAA's mission is, there is a one word answer: safety.

Let me turn to the tragic crash of ValuJet flight #592. In the hours and days following the ValuJet crash, Administrator Hinson and I made statements about ValuJet's compliance with safety standards that were based on the most current information provided to us by the FAA safety experts. When the FAA safety experts decided 5 weeks later that ValuJet has systematic problems, the FAA took appropriate steps and ValuJet ceased operations on June 17, 1996.

The Administrator and I have set a zero-accident goal for the FAA. In our mind, that is the only acceptable standard. Anytime we fail to meet that standard, we look hard at our operations to determine how we can improve. And there are hard and important lessons to be learned from the ValuJet tragedy.

Most important, the FAA must more directly confront the challenge of a rapidly expanding aircraft fleet, especially when combined with extensive contracting-out. Administrator Hinson can address this further. As to one possible cause of the accident--a fire caused by oxygen generators--we have taken forceful steps to preclude the mishandling of hazardous materials as appears to have occurred here. The FAA has underway an extensive program to evaluate the practices and the training by air carriers for accepting baggage and freight and for identifying undeclared hazardous materials. The FAA will examine all 155 Part 121 carriers, which represent over 95 percent of the passengers carried in the U.S. domestic market. We will do additional samplings based on this evaluation of as many other carriers as necessary to satisfy ourselves that the practices to address hazardous materials in the air transportation industry are proper.

On May 24, the Research and Special Programs Administration issued an interim final rule prohibiting the transportation of oxygen generators on passenger aircraft. We will consider extending this ban to cargo aircraft as well as making the ban permanent. The FAA and RSPA has also started a joint aviation strategy to address the other critical aspects of hazardous material transportation aboard aircraft.

Administrator Hinson will be pleased to address your specific questions about the ValuJet inspections and the chronology of FAA's actions leading up to the FAA's June 17 decision.

In conclusion, we have worked tirelessly to improve aviation safety. We have a strong record. But until we reach our goal of zero-accidents, we--the FAA, industry, labor--must continue to do better. I am committed to that, Mr. Chairman and Members of the Committee.

Thank you for your time.